

## **REMARKS**

Applicant respectfully requests reconsideration and allowance of all of the claims of the application. The status of the claims is as follows:

- Claims 1, 4-6, 8-11, 13, 15-17, 20-27, 30-41, 44, and 48 are currently pending.
- Claims 1, 17, 25, and 31 are amended herein.

### **Cited Documents**

The following documents have been applied to reject one or more claims of the Application:

- Graupner: Graupner et al, U.S. Patent No. 7,035,930.
- Soden: Soden et al, U.S. Patent No. 7,069,204.

### **Claims 1, 4-6, 8-11, 13, 15-17, 20-27, 30-41, 44, and 48 Are Non-Obvious**

#### **Over Graupner in view of Soden**

Claims 1, 4-6, 8-11, 13, 15-17, 20-27, 30-41, 44, and 48 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Graupner in view of Soden. Applicant respectfully requests reconsideration in light of the amendments presented herein.

Independent Claim 1

Applicant submits that the amendments to claim 1 render the pending § 103 rejection moot. Applicant submits that the combination of Graupner and Soden does not teach or suggest at least the following features of this claim, (with emphasis added):

- *after deployment of the system, calling, by the one or more computing devices, one or more functions defined within the system definition model during a management phase of the system to manage the system deployed on the at least one of the one or more computing devices.*

Applicant submits that Graupner in view of Soden does not teach or suggest the elements of Applicant's claim 1 since Graupner in view of Soden fails to call "one or more functions defined within the system definition model *during a management phase* of the system to manage the system deployed" as recited in Applicant's claim 1. (Emphasis added).

Graupner generally pertains to "deployment of complex software systems in distributed computing environments" (Abstract). Specifically, a "model description describes the elements that are used as input data in simulations for purposes of prediction or evaluation of possible deployment solutions" (Column 4, lines 25-27). Although the model description of Graupner "express a topology of constituent components (or "nodes"), the parameters to components and links, and the hierarchical relationships between the components" of the distributed computing environment (Column 4, lines 7-10), the model description is silent as to including the knowledge necessary "to manage the system deployed" as recited in Applicant's claim 1. Rather, the model description is limited to pre-deployment architectural evaluation tasks. In

other words, the model description may be used to predict or evaluate deployment solutions, but is not operable to "manage the system deployed."

Moreover, Soden fails to remedy the noted deficiencies of Graupner. Soden generally pertains to "a simplified method for allowing system designers to specify the functional components of their systems and then utilizing the specified components to map and evaluate the mapped model of the system" (Column 2, lines 65 – Column 3, line 2). Specifically, Soden:

[D]ifferentiate[s] between a behavior model, which identifies what the system does, and an architecture model, which identifies the components that implement the system . . . [to allow] system designers to simulate the performance effects of a behavior running on a number of different architectures *early in the design cycle*.

(Column 5, lines 27-34, emphasis added). Applicant submits that the modeling system of Soden is used only during the design phase to validate operation constraints prior to deployment and management phases. After deployment, the modeling system does not play a role in the system anymore. Accordingly, Soden fails to "*after deployment of the system, using, by the one or more computing devices, the system definition model in a management phase of the system*" as recited in Applicant's claim 1 (Emphasis added).

The Office cites the monitor management element of Graupner as allegedly teaching or suggesting the cited element of claim 1 as follows: Graupner teaches "after deployment of the system, using the system definition model in a management phase of the system to manage the system deployed on the one or more computing devices (Col. 8, lines 4 - 17)" (Office Action, page 3, lines 6-8). Graupner discusses the monitor management element as follows:

When computing environment is operational, monitor management 404 receives application traffic from monitoring units 414, which are deployed at the various sites and layers of the environment being monitored. The monitor management provides environment traffic reports to the distributed model base, which stores the data in statistics database 416 for later reference. Via user interface 406, a user views the operational data that was gathered and stored in the statistics database and compares the operational data to the various model attribute values. Based on the observed behavior, the user can modify the model attribute values and correlate selected ones of the updated models. A new configuration is then communicated from the distributed model base to the computing environment.

(Column 8, lines 4-17). Applicant submits that the monitoring units 414 of Graupner fail to teach or suggest calling "one or more functions defined within the system definition model during a management phase of the system to manage the system" since the monitoring units 414 of Graupner are separate and distinct from the model descriptions. Specifically, the "[m]odel descriptions are maintained in distributed model base 402" and "monitor management provides environment traffic reports to the distributed model base" (Column 8, lines 1-17). In other words, the model descriptions passively receive the monitored data from the monitor management rather than calling functions defined within the system definition model "to manage the system."

Consequently, the combination of Graupner and Soden does not teach or suggest all of the elements and features of claim 1. Accordingly, Applicant respectfully requests that the rejection of claim 1 be withdrawn. Due to Applicant's earnest belief that claim 1, as rejected under Section 103, is allowable for reciting elements which are not taught or suggested in the combination of Graupner and Soden, Applicant will not address motivation to combine the Graupner and Soden reference with respect to claim 1 in this response. However, Applicant hereby reserves the right to further challenge the motivation to combine the Graupner and Soden references.

*Dependent Claims 4-6, 8-11, 13, 15-16, and 48*

Claims 4-6, 8-11, 13, 15-16, and 48 ultimately depend from independent claim 1. As discussed above, claim 1 is believed allowable over the cited art. Therefore, claims 4-6, 8-11, 13, 15-16, and 48 are also allowable over the combination of Graupner and Soden at least for their dependency from an allowable base claim. Claims 4-6, 8-11, 13, 15-16, and 48 may also be allowable for the additional features recited.

*Independent Claims 17, 25 and 31*

Claims 17, 25, and 31 includes recitations similar to those discussed above with regard to claim 1. Accordingly, for at least the same reasons, claims 17, 25, and 31 are patentable over the cited references.

*Dependent Claims 20-24, 26, 27, 30, 32-41, and 44*

Claims 20-24 ultimately depend from independent claim 17; claims 26-27 and 30 ultimately depend from independent claim 25; and claims 32-41 and 44 ultimately depend from independent claim 31. As discussed above, claims 17, 25, and 31 are patentable over the cited documents. Therefore, claims 20-24, 26, 27, 30, 32-41, and 44 are also patentable over the cited documents of record for at least their dependency from a patentable base claim. These claims may also be patentable for the additional features that each recites.

**Conclusion**

Applicant respectfully requests reconsideration and prompt issuance of the application. If any issues remain that would prevent allowance of this application, Applicant requests that the Examiner contact the undersigned representative before issuing a subsequent Action.

Respectfully Submitted,

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